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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,343

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Ari Kahn

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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,343	<b>Applicant(s)</b> KAHN, ARI	
	<b>Examiner</b> PHUNG-HOANG J. NGUYEN	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/17/09.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/28/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Applicant's amendment filed 12/17/2008 has been entered. Claims 1-6 and 8-18 have been amended. Claims 1-18 are still pending in this application, with claims 1 being independent.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 1-7 and 14-15 are rejected under 35 USC 102(e) as being anticipated by Wieczorek (EP 1271911 – Submitted by applicant).**

As to claim 1, Wieczorek teaches a method of operating a telephony service on a telephony network, the method comprising:

establishing a telephonic connection between a caller and a call recipient ([0056]). Also see fig. 1 for the call setup/connect between caller 17 and recipient 15); receiving a command signal on a network device during any phase in the call process (connect signal, [0034]; signal 18, [0044]; connect signal 21, [0056]); and initiating a transaction between the caller and the call recipient in response to receiving the command signal, the transaction being other than a standard call connection transaction, the transaction affecting billing for the telephonic connection

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*(the charging instruction may be incorporated within or added to a connect signal which is dispatched, [0034-0037]; information related to the callee's balance, monthly prepaid airtime and call value, [0055]. Specific passages that meets all claim1 limitations: [0041-0051])).*

As to claim 2, Wieczorek teaches the command signal is initiated by the caller during a call set up phase or a call connected phase *(a willingness on the part of the caller to pay for the call is indicated by a signal from the caller, [0005]).*

As to claim 3, Wieczorek teaches the transaction is a service provided to the caller or the call recipient *(charging some or all of the cost to a callee, the recipient having a prepay account with service provider [0044]. Also see the title and abstract).*

As to claim 4, Wieczorek teaches operating a telephony service further comprising transmitting a prompting prompt the recipient indicating a request to provide the command signal *(...audio messages to prompt the user throughout the process [0003]).*

As to claims 5-6, Wieczorek teaches operating a telephony service wherein the transaction is automatically initiated in response to at least one criteria and wherein the at least one criteria is an attribute associated with the caller or call recipient *(Charging option may be provided to the callee using the SMS capability, [0028, 0031, 0055, 0056]).*

As to claim 7, Wieczorek teaches operating a telephony service wherein the command signal is issued by the caller prior to the call connect command *(To effect this, the callee 15, on receipt of the incoming call set-up instructions 18, may, if he/she*

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*does not wish to pay all (or indeed any) of the resulting call cost, dispatch an appropriate negotiation signal 24 back to the caller 17, prior to accepting the call, and thus prior to completing the resulting call connection, [0058]).*

As to claim 14, Wieczonek teaches the command signal is received from a telephone, and wherein the telephone, upon activation of a biometric trigger, transmits the command signal (discussion of the synthesized speech message, [0003] indicating it is one of the biometric characteristics to transmit signal).

As to claim 15, Wieczonek teaches the command signal comprises an audio tone transmitted from a mobile telephone (The called party is informed via synthesized speech messages of the identity of the caller. Responses from the call party are received through a DTMF receiver, [0003]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

#### **4. Claim 8 is rejected under 35 U.S.C.103 (a) as being unpatentable over Wieczonek in view of Parsons et al (US Pub 2002/0085701).**

Wieczonek teaches operating a telephony service but does not teach the command signal is appended to a dialed telephone number.

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Parsons teaches the feature of appending a message to a dialed number as Parsons discusses *“the IVR may be further configured to allow certain or all of these messages to be appended with numeric information (since callers almost universally will be able to enter numbers via a phone keypad). For example, the “call me” message can be appended with the caller’s phone number. The IVR 214 provides the messaging application 210 with the caller’s message selection and any appended message information, [0102]”* to provide unified communications and messaging management based on a user’s presence information, (Abstract)”.

Therefore it would have been obvious to the ordinary skilled artisan at the time of the invention was made to incorporate the teaching of Parsons into the teaching of Wieczonek for the purpose of enhancing the telephone service by not just sending the telephone number for connection but also unifying the telephone number and the appended signal or code of service (e.g., billing, charging, banking, restaurant...) as one to the recipient.

**5. Claims 9-13 are rejected under 35 U.S.C.103 (a) as being unpatentable over Wieczonek in view of Guibourge (US Pub 2004/0119755).**

As to claims 9-13, Wieczorek teaches operating a telephony service wherein the data signal is associated with the activation of at least one key of a telephone (A *willingness to pay from the caller is for the call is indicated by a signal from the caller such as pressing a key on the DTMS, [0005]*).

Wieczorek does not teach:

a plurality of keys are associated with a plurality of transactions, and wherein each of the plurality of keys is associated with a single transaction from among the plurality of transactions;

a "\*" key is associated with telephony and billing functions, a "0" key is associated with interactive network operator and information services access, and a "#" key is associated with commercial banking transactions between the caller and the call recipient;

the command signal is received from a telephone, and wherein the telephone, upon activation of a dedicated key, transmits the command signal;

the dedicated key is selected from a group comprising a "@" symbol, a color coded key, a programmable key, a menu item, and a button.

Guibourge teaches "quick dialing methods and systems for use with communications devices are described. Such communications devices are often characterized by a limited keypad to enter and access contact numbers. The described quick dialing technique reduces the number of keys used to dial a number, and thus a device using the technique may be operated blindly or with one hand, par. 0005).

Furthermore, Guibourge teaches Attributes such as colors, sounds, text fonts, graphics (i.e., pictures, icons, photos, images, animations, and bitmaps), and sorting methods are optionally assigned to lists and to the contacts within each list. When a contact is selected or dialed by actuating a key, for example, color and sound attributes associated with the list containing the contact are displayed, thereby providing visual and non-visual cues that correct keys have been actuated.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to incorporate the teachings of Guibourge into Wieczorek for the purpose of providing the greater service to the subscriber who can program their phone and assign a specific function or service for different key on the pad. Few examples are listed as banking, movie, school, library, restaurant, friend or family and many more. It is also leave the choices to the subscriber to assign any specific key to his or her choice of service. If one would want to associate the "#" key with commercial banking transactions, it would be his/her choice. If one would want to color-coded or (illumination) light-code, it would also be his/her choice. Even from the development perspective, it would also be obvious to practice that it is an engineering design to assign a specific key of choice to specific function or service for the most convenience. (Examiner's point of clarification: It is well-known in the art that key "0" was reserved for the network operator and information services access. With the big leap of telephonic advancement with so many pioneering development in this filed, complications and greater demands for better and quick service came along, key "0" is now reserved for interacting with the network operator while "411" is assigned to the information services access. Similar in practice, "911" is for emergency).

**6. Claims 16-18 are rejected under 35 U.S.C.103 (a) as being unpatentable over Wieczonek and further in view of Heatley (US Pat 7,164,936).**

Wieczonek does not specifically discuss associating a function indicated by the command signal with the caller as identified by a telephone number of the caller.



However, Wieczonek teaches command signal as a signal setup of connection to make connection with the recipient (see claim 1 and fig. 1). It means that telephone number has been well known on the art as an identifier/identification to the subscriber/caller. It would have been obvious to the ordinary skilled artisan to appreciate that the Wieczonek is, if not inherently, then obviously underlining the association between the command signal and the caller as he/she is identified by his/her own telephone number.

In addition, Heatley also teaches the caller as identified by the directory telephone number of the caller (*when the call from the calling user is made by selecting an entry from the telephone directory, said predetermined menu function is an edit function of the telephone directory function, col. 1, lines 60-63; or the network also sends to the telephone associated with the calling user data indicative of the name of the called user for use by the calling user in adding an entry to the telephone directory, col. 2, lines 1-5*).

Furthermore, Heatley teaches a method of operating a telephony service wherein the directory telephone number of the caller is established by caller line identity or CLI (*the control unit is programmed to compare the CLI of an incoming call with the entries of the phone book (this is a known act for displaying the stored name of a matching entry), col. 8, lines 34-38*).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### CONCLUSION

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CURTIS KUNTZ/  
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